

**2021**

**CUMULATIVE SUPPLEMENT**

TO

**MISSISSIPPI CODE**

**1972 ANNOTATED**

**Issued September 2021**

CONTAINING PERMANENT PUBLIC STATUTES OF MISSISSIPPI  
ENACTED THROUGH THE 2021 REGULAR SESSION

PUBLISHED BY AUTHORITY OF  
THE LEGISLATURE

SUPPLEMENTING

**Volume 2**

Titles 1 to 11 (Chapters 1 to 5)

**(As Revised 2014)**

For latest statutes or assistance call 1-800-833-9844

By the Editorial Staff of the Publisher



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## PURCHASE User's Guide

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.

### *Annotations*

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to editorial research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the source that we used to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more recent reading of cases, as they are posted online on LexisNexis, is that the most recent case annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

The following decisions are taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

- Southern Reporter, 3rd Series
- United States Supreme Court Reports
- United States Supreme Court Reporter
- United States Supreme Court Reports, Lawyers' Edition, 2nd Series
- Federal Reporter, 3d Series
- Federal Supplemental, 3d Series
- Federal Rules Decisions
- Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

- American Law Reports, 2d Series
- American Law Index, Federal and
- Mississippi's Other Law Reports
- Mississippi Law Review

Finally, published opinions of the Attorney General and opinions of the Ethics Committee have been digested for annotation.

### *Amendments Notes*

Amendments notes detail how the new legislation affects existing sections.

### *Editor's Notes*

Editor's notes summarize current status and legislative history of repealed sections, provide information on portions of legislative acts that have not been enacted, or contain other pertinent information.



## PUBLISHER'S FOREWORD

### Statutes

The 2021 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2021 Regular Legislative Session.

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Federal Reporter, 4th Series  
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Bankruptcy Reporter

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American Law Reports, Federal 2nd  
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Mississippi Law Journal

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### Amendment Notes

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### Editor's Notes

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

## Joint Legislative Committee Notes

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

## Tables

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2021 Regular Session.

## Index

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

## Acknowledgements

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

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September 2021

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## **SCHEDULE OF NEW SECTIONS**

## Added in this Supplement

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## **CHAPTER 3. Construction of Statutes**

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1-3-42. Valid photo identification documents.

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CHAPTER 3. State Boundaries, Holidays, and State Emblems

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3-3-63. Sunshine Protection Act; year-round daylight saving time.

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## **GENERAL PROVISIONS**

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**MISSISSIPPI CODE  
1972  
ANNOTATED**  
**VOLUME TWO**

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**TITLE 1.  
LAWS AND STATUTES**

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**CHAPTER 1.  
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**IN GENERAL**

Sec.	
1-1-11.	Distribution of the Code of 1972.

**§ 1-1-11. Distribution of the Code of 1972.**

(1) Except as provided in subsection (2) of this section, the Joint Committee on Compilation, Revision and Publication of Legislation shall distribute or provide for the distribution of the sets of the compilation of the Mississippi Code of 1972 purchased by the state as follows:

Fifty-seven (57) sets to the Mississippi House of Representatives and forty (40) sets to the Mississippi Senate for the use of the Legislative Reference Bureau, Legislative Services Offices, staffs and committees thereof.

Ten (10) sets to the Governor's Office; nine (9) sets to the Secretary of State; and twenty (20) sets to the Auditor's Office.

One (1) set to each of the following: the Lieutenant Governor; each member of the Legislature; the Treasurer; each district attorney; each county attorney; each judge of the Court of Appeals and each judge of the Supreme, circuit, chancery, county, justice and municipal courts; each Mississippi Senator and Mississippi Representative in Congress; State Superintendent of Education; Director of the Department of Finance and Administration; the Commissioner of Agriculture and Commerce; each Mississippi Transportation Commissioner; the Insurance Commissioner; the Clerk of the Supreme Court;

the State Board of Health; each circuit clerk; each chancery clerk in the state for the use of the chancery clerk and the board of supervisors; each sheriff in the state for the use of his office and the county officers; and each county for the county library (and an additional set shall be given to each circuit clerk, chancery clerk, sheriff and county library in counties having two (2) judicial districts).

Six (6) sets to the Performance Evaluation and Expenditure Review (PEER) Committee; three (3) sets to the Director of the Legislative Budget Office; six (6) sets to the Department of Corrections; two (2) sets to the Department of Archives and History; two (2) sets to the State Soil and Water Conservation Commission; sixty-eight (68) sets to the Attorney General's office; six (6) sets to the Public Service Commission; four (4) sets to the Public Utilities Staff; thirty-five (35) sets to the Department of Revenue; one (1) set to the Board of Tax Appeals; two (2) sets to the State Personnel Board; six (6) sets to the State Law Library; one (1) set to the Library of Congress; ten (10) sets to the University of Mississippi Law School; one (1) set each to the Mississippi School for the Deaf and the Mississippi School for the Blind; one (1) set each to the University of Mississippi, Mississippi State University, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University, Mississippi Valley State University, and the Board of Trustees of State Institutions of Higher Learning; and one (1) set to the Supreme Court judges' conference room. In furtherance of the State Library's reciprocal program of code exchange with libraries of the several states, the joint committee shall, at the direction and only upon the written request of the State Librarian, distribute or provide for the distribution of sets of the code to such libraries.

One (1) set to each state junior or community college; three (3) sets to the Department of Wildlife, Fisheries and Parks; two (2) sets to the Department of Environmental Quality; two (2) sets to the Department of Marine Resources; two (2) sets to the Mississippi Ethics Commission; six (6) sets to the Mississippi Workers' Compensation Commission; four (4) sets to the State Department of Rehabilitation Services; three (3) sets to the Department of Child Protection Services; and four (4) sets to the Department of Human Services. One (1) set to each of the following: State Textbook Procurement Commission; University Medical Center; State Library Commission; Department of Agriculture and Commerce; Forestry Commission; and seventeen (17) sets to the Department of Public Safety. Also, one (1) set to each of the following: Adjutant General, Mississippi Development Authority, Department of Banking and Consumer Finance, Bureau of Building, Grounds and Real Property Management, the State Educational Finance Commission, the Mississippi Board of Vocational and Technical Education, Division of Medicaid, State Board of Mental Health, and Department of Youth Services.

The joint committee is authorized to distribute or provide for the distribution of additional sets of the Mississippi Code, not to exceed three (3) sets, to the office of each district attorney for the use of his assistants.

The joint committee shall provide to the Mississippi House of Represen-

tatives and the Mississippi Senate the annual supplements to the Mississippi Code of 1972 for each set of the code maintained by the House and Senate.

An elected or appointed officeholder in the State of Mississippi, except for a member of the Legislature, shall deliver to his successor in office, or to the joint committee if there is no successor, the set of the Mississippi Code of 1972 provided the officeholder under this section.

Before the joint committee delivers or provides for delivery of a copy of the Mississippi Code of 1972 to an individual officeholder, the joint committee shall prepare and submit a written agreement to the officeholder. The agreement shall, among other provisions, state that the code is the property of the State of Mississippi, that it shall be transferred to the officeholder's successor in office, that the officeholder has an obligation to make such transfer and that the officeholder shall be responsible for the failure to deliver the code and for any damage or destruction to the code, normal wear and tear excepted. The joint committee shall execute the agreement and forward it to the officeholder for execution. The joint committee shall not deliver or provide for delivery of the code to the officeholder until the executed agreement is received by the committee. The joint committee may include in the agreement such other provisions as it may deem reasonable and necessary. In addition to damages or any other remedy for not transferring a set of the code to his successor, an officeholder who does not transfer his set of the code shall be guilty of a misdemeanor and shall, upon conviction, pay a fine of One Thousand Dollars (\$1,000.00). Upon request of the joint committee, the Attorney General shall assist the joint committee in taking such actions as necessary to require an officeholder to transfer the set of code provided under this section to his successor, or to the joint committee if there is no successor, and to recover reimbursement or damages from any officeholder for the loss of or damage or destruction to any volumes of the set of the code provided under this section, other than normal wear and tear.

Replacement of missing, damaged or destroyed sets or volumes of the code provided by this chapter may be obtained from the code publisher through the joint committee at the established state cost, the cost to be borne by the recipient.

No more than one (1) set of the Mississippi Code of 1972 shall be furnished to any one (1) individual, regardless of the office or offices he may hold.

(2) The sets of actual bound volumes of the Mississippi Code of 1972 referenced in subsection (1) shall be provided to each elected state official, elected state district official and member of the Legislature upon written request by the official or member of the Legislature to the Joint Committee on Compilation, Revision and Publication of Legislation.

**HISTORY:** Codes, 1942, § 7; Laws, 1942, ch. 318; Laws, 1944, ch. 314; Laws, 1966, ch. 395, § 1; Laws, 1973, ch. 425, § 1; Laws, 1974, ch. 377; Laws, 1978, ch. 458, § 4; Laws, 1981, ch. 536, § 1; Laws, 1988, ch. 486, § 1; Laws, 1988, ch. 518, § 14; Laws, 1990, ch. 402, § 1; Laws, 1991, ch. 530, § 6; Laws, 1992, ch. 543, § 11; Laws, 1993, ch. 430, § 8; Laws, 1993, ch. 518, § 8; Laws, 1997, ch. 385, § 1; Laws, 1998, ch. 325, § 1; Laws, 1998, ch. 546, § 3; Laws, 1999, ch. 310, § 1; Laws, 2000,

**ch. 511, § 1; Laws, 2003, ch. 551, § 1; Laws, 2009, ch. 492, § 7; Laws, 2010, ch. 376, § 1, eff from and after July 1, 2010; Laws, 2020, ch. 390, § 4, eff from and after July 1, 2020.**

**Amendment Notes** — The 2020 amendment, (1), in the third undesignated paragraph, deleted “family” following “chancery, county,” deleted “six (6) sets to the Performance Evaluation and Expenditure Review (PEER) Committee; three (3) sets to the Director of the Legislative Budget Office” following “Department of Finance and Administration,” deleted “six (6) sets to the Department of Corrections” following “Mississippi Transportation Commissioner”; in the fourth undesignated paragraph, added “Six (6) sets to the Performance Evaluation and Expenditure Review (PEER) .. . Department of Corrections”; in the fifth undesignated paragraph, inserted “three (3) sets to the Department of Child Protection Services” and substituted “and four (4) sets” for “and seven (7) sets”; deleted the former eighth paragraph, which read: “The set of the Mississippi Code of 1972 to be provided to each member of the Legislature shall be provided unless specifically waived by such legislator in writing”; and rewrote (2), which had allowed the joint committee the discretion to determine whether electronic access to the code was a sufficient substitute and if so to omit furnishing sets as otherwise required in (1).

## CHAPTER 3.

### CONSTRUCTION OF STATUTES

Sec.

1-3-42. Valid photo identification documents.

#### § 1-3-27. Minor.

The term “minor,” when used in any statute, shall include any person, male or female, under twenty-one years of age.

**HISTORY:** Codes, 1892, § 1508; 1906, § 1585; Hemingway’s 1917, § 1352; 1930, § 1376; 1942, § 684; brought forward without change, Laws, 2021, ch. 338, § 2, eff from and after July 1, 2021.

**Editor’s Note** — This section was brought forward without change by Laws of 2021, ch. 338, § 2. Since the language of the section as it appears in the main volume is unaffected by the bringing forward of the section, it is not reprinted in this supplement.

**Amendment Notes** — The 2021 amendment brought the section forward without change.

#### § 1-3-39. Person.

### JUDICIAL DECISIONS

#### 1. In general.

Based on the language of Miss. Code Ann. § 1-3-39, and the statements made by the county, the county was a “person aggrieved” for the purposes of Miss. Code Ann. § 37-7-115 because the county stated

multiple times during proceedings that government property was at issue, and the property it was addressing in the action was the property of residents who would be assessed ad valorem taxes. Pearl River Cty. Bd. of Supervisors v. Miss.

State Bd. of Educ., 289 So. 3d 301, 2020  
Miss. LEXIS 30 (Miss. 2020).

### § 1-3-41. Personal property.

**HISTORY:** Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (27); 1857, ch. 64, art. 351; 1871, § 2858; 1880, § 3107; 1892, § 1513; 1906, § 1591; Hemingway's 1917, § 1358; 1930, § 1382; 1942, § 690; Laws, 2018, ch. 380, § 1, eff from and after July 1, 2018; brought forward without change, Laws, 2021, ch. 338, § 3, eff from and after July 1, 2021.

**Editor's Notes** — This section was brought forward without change by Laws of 2021, ch. 338, § 3. Since the language of the section as it appears in the main volume is unaffected by the bringing forward of the section, it is not reprinted in this supplement.

**Amendment Notes** — The 2021 amendment brought the section forward without change.

### § 1-3-42. Valid photo identification documents.

The terms “photo identification,” “photographic identification,” “valid identification,” “valid identification card” or any similar term when used with reference to a personally identifying document required as legal documentation or required to be presented as part of a transaction includes all of the following:

- (a) A current and valid Mississippi driver's license;
- (b) A current and valid identification card issued by a branch, department, agency or entity of the State of Mississippi;
- (c) A current and valid United States passport;
- (d) A current and valid employee identification card containing a photograph of the employee and issued by any branch, department, agency or entity of the United States government, the State of Mississippi, or any county, municipality, board, authority or other entity of this state;
- (e) A current and valid Mississippi license to carry a pistol or revolver;
- (f) A valid tribal identification card containing a photograph of the holder;
- (g) A current and valid United States military identification card;
- (h) A current and valid student identification card, containing a photograph of the student, issued by any accredited college, university or community or junior college in the State of Mississippi;
- (i) An official Mississippi voter identification card containing a photograph of the elector; or
- (j) Any other valid and unexpired government-issued identification card that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.

**HISTORY:** Laws, 2021, ch. 378, § 1, eff from and after July 1, 2021.

## CHAPTER 5.

### SESSION LAWS AND JOURNALS

Sec.

1-5-7.

Distribution of general laws and journals, and local and private laws free of charge.

#### **§ 1-5-7. Distribution of general laws and journals, and local and private laws free of charge.**

(1) The Office of the Secretary of State shall distribute and transmit, free of cost, the general laws and journals of each session of the Legislature, as follows: One (1) volume of each to the following: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, Clerk of the Supreme Court, the Court of Appeals; Mississippi State University, Mississippi University for Women, Alcorn State University, University of Southern Mississippi, Delta State University, Jackson State University, Mississippi Valley State University, University of Mississippi and University of Mississippi School of Law; the sheriff of each county for the county law library; each member of the Legislature; the Secretary of the Senate; the Clerk of the House; each attorney employed in the Legislative Services Offices of the House of Representatives and the Senate; each legislative committee meeting room in the New Capitol; the Legislative Reference Bureau; the Legislative Budget Office; the Legislative PEER Committee; the Department of Archives and History; and the Library of Congress at Washington, D.C.

The copies of the general laws and journals to be provided to each sheriff, member of the Legislature and the attorneys employed in the Legislative Services Offices of the House and Senate under this subsection (1) shall not be provided unless specifically requested by such sheriff, legislator or attorney in writing, and the copies to be provided for legislative committee meeting rooms in the New Capitol shall not be provided unless specifically requested in writing by the Clerk of the House or the Secretary of the Senate for the committee rooms of their respective house. Any other recipient of the general laws and journals listed in this subsection (1) may waive the receipt of the general laws, journals or both by written request to the Office of the Secretary of State.

(2) The Office of the Secretary of State shall provide, free of cost, one (1) volume of the local and private laws to each attorney employed in the Legislative Services Offices of the House of Representatives and the Senate; each legislative committee meeting room in the New Capitol; the Legislative Reference Bureau; and the Legislative PEER Committee.

The copies of the local and private laws to be provided to the attorneys employed in the Legislative Services Offices of the House and Senate under this subsection (2) shall not be provided unless specifically requested by such attorney in writing, and the copies to be provided for legislative committee meeting rooms in the New Capitol shall not be provided unless specifically

requested in writing by the Clerk of the House or the Secretary of the Senate for the committee rooms of their respective house.

**HISTORY:** Codes, Hutchinson's 1848, ch. 19, art. 5 (6); 1857, ch. 6, art. 18; 1871, § 123; 1880, § 209; 1892, § 4090; 1906, § 4642; Hemingway's 1917, § 7480; 1930, § 6940; 1942, § 4200; Laws, 1938, ch. 215; Laws, 1940, ch. 317; Laws, 1978, ch. 458, § 5; Laws, 1988, ch. 486, § 2; Laws, 1992, ch. 543, § 4; Laws, 1993, ch. 430, § 4; Laws, 1993, ch. 518, § 9; Laws, 2004, ch. 473, § 1; Laws, 2010, ch. 376, § 2; Laws, 2012, ch. 390, § 1, eff from and after July 1, 2012; Laws, 2021, ch. 354, § 1, eff from and after passage (approved March 17, 2021).

**Amendment Notes** — The 2021 amendment, effective March 17, 2021, divided and amended the formerly undesignated first paragraph of the section as follows: designated the former first sentence (1), and therein inserted “the Legislative PEER Committee” near the end, made the former second sentence the first sentence in the second paragraph, and therein inserted “of the general laws and journals,” under this subsection (1), and added “and the copies to be provided...committee rooms of their respective house” at the end, and added the last sentence, divided the former third sentence into the first and second paragraphs of (2) by substituting the period for “however,” and in the first paragraph, added “and the Legislative PEER Committee” at the end, and in the second paragraph of (2), inserted “of the local and private laws,” “under this subsection (2) and added “and the copies to be provided for legislative committee meeting rooms...committee rooms of their respective house” at the end; and deleted the former last paragraph of the section, which read: “In addition to the volumes provided to the Legislative Services Offices’ attorneys under this section, four (4) volumes of the general laws, three (3) volumes of the local and private laws and two (2) volumes of the journal of the particular house involved shall be provided free of cost to the Legislative Services Offices of the House of Representatives and the Senate. Receipt of any number of volumes that are to be provided to the Legislative Services Offices and their attorneys under this section may be waived in writing by the Director of the Legislative Services Office of either house.”

**TITLE 3.****STATE SOVEREIGNTY, JURISDICTION AND HOLIDAYS**

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**CHAPTER 3.****STATE BOUNDARIES, HOLIDAYS, AND STATE EMBLEMS**

Sec.	
3-3-16.	Design of state flag.
3-3-16.1.	Plan for removal of state flag.
3-3-63.	Sunshine Protection Act; year-round daylight saving time.

**§ 3-3-16. Design of state flag.**

(1) The official flag of the State of Mississippi is the design recommended by the Commission to Redesign the Mississippi State Flag that was established by Chapter 427, Laws of 2020, and approved by the people of the State of Mississippi in the statewide election held on November 3, 2020, which is described as follows:

The vertical height is seventy-two (72) units and the horizontal length is one hundred twenty (120) units (dimensions 3:5, but variable), with two (2) vertical bars at the hoist and the fly, the outer bars being twenty-five (25) units wide in Old Glory Red (Pantone red 200) and the inner bars being five (5) units wide in Old Gold (Pantone gold 7563). The vertical bars flank a central panel sixty (60) units wide in Old Glory Blue (Pantone blue 282), and in the center of the panel is the artwork that is two-thirds (2/3) the height of the flag or forty-eight (48) units. The artwork is comprised of the stylized white magnolia blossom with a stamen in Old Gold that was adopted by the commission, surrounded by an array of twenty (20) white five-point stars in a circle, with ten (10) of the stars flanking the magnolia at the hoist side and ten (10) of the stars flanking the magnolia at the fly side. At the top of the circle is a five-point segmented star in Old Gold, and at the bottom of and joined into the circle is the motto “IN GOD WE TRUST” in all capital letters and in Americana font.

(2) The Magnolia is the state flower of Mississippi and is a symbol that has long represented our state and the hospitality of our citizens, and also represents our state’s sense of hope and rebirth as the Magnolia often blooms more than once and has a long blooming season. The circle of twenty (20) stars represents Mississippi as the twentieth state of the United States of America and the circle is anchored at the top by the gold five-point star, which represents our first peoples, the indigenous Native American tribes of the land that would become Mississippi, and also represents Africa, the Americas, Asia, Australia/Oceania and Europe, which are the five (5) inhabited areas of the

world from which all Mississippians originate. The color blue in the center panel echoes the blue of the American flag, representing vigilance, justice and perseverance, and the red bars represent the hardiness and valor of our citizens. The gold bars and the gold stamen of the Magnolia represent the rich cultural history of Mississippi, specifically the visual arts, literature, music and performing arts that have originated in our state.

**HISTORY: Laws, 2021, ch. 301, § 1, eff from and after passage (approved January 11, 2021).**

**Editor's Notes** — A former § 3-3-16 [Laws, 2001, ch. 301, § 2, eff from and after February 7, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section); Repealed by Laws, 2020, ch. 427, § 5, eff from and after passage (approved June 30, 2020)] provided the design for the official flag of the State of Mississippi that was in use until the design was retired effective June 30, 2020.

Laws of 2020, ch. 427, §§ 1 and 2, effective June 30, 2020, provide:

“SECTION 1. (1) There is established the Commission to Redesign the Mississippi State Flag (commission) for the sole purpose of developing, designing and reporting to the Governor and the Legislature its recommendation for the new design for the official Mississippi State Flag not later than September 14, 2020. The new design for the Mississippi State Flag recommended by the commission shall be placed on the ballot in a statewide special election as provided for in Section 2 of this act. The new design for the Mississippi State Flag recommended by the commission shall not include the design of the Confederate Battle Flag, but shall include the words "In God We Trust." The commission is charged with a sensitive and responsible task that it shall conduct in an objective manner. The new design for the Mississippi State Flag shall honor the past while embracing the promise of the future.

“(2) The Commission to Redesign the Mississippi State Flag shall consist of nine (9) members, to be appointed as follows:

“(a) Three (3) members appointed by the Speaker of the House;

“(b) Three (3) members appointed by the Lieutenant Governor;

“(c) Three (3) members appointed by the Governor, to include:

“(i) A representative from the Mississippi Economic Council;

“(ii) A representative from the Mississippi Arts Commission;

“(iii) A representative from the Board of Trustees of the Mississippi Department of Archives and History.

“All appointments to the commission shall be made not later than July 15, 2020. The chair of the commission shall be chosen by majority vote of the members of the commission. The commission shall meet as soon as practicable after the appointments have been made upon the joint call of the Speaker and the Lieutenant Governor, and shall organize for business. A majority vote of the members of the commission shall be required for the adoption of any reports and recommendations. The Mississippi Department of Archives and History shall provide meeting space and clerical support for the operation of the commission.

“(3) The commission shall have the following functions and duties:

“(a) To hold regular public meetings when and where it sees fit;

“(b) To receive written public comments in a manner and under the terms and conditions as it sees fit;

“(c) To collect, examine and consider all information that it determines may be helpful in making a recommendation for the new design for the Mississippi State Flag;

“(d) To consult with experts, representatives of organizations and associations, and others, as it sees fit, whose knowledge or expertise may assist the commission in making its recommendation;

“(e) To make any inquiries and conduct any business that may assist the commission

in developing the new design for the Mississippi State Flag; however, the new design for the Mississippi State Flag recommended by the commission shall not include the design of the Confederate Battle Flag, but shall include the words 'In God We Trust';

"(f) Keep minutes of its meetings, and make those minutes available to the public; and

"(g) To make a written recommendation for the new design for the official Mississippi State Flag, which shall be presented to the Governor and the Legislature not later than September 14, 2020.

"(4) Members of the commission shall receive no compensation for their service on the commission, but may receive reimbursement for mileage and actual expenses as provided in Section 25-3-41, to the extent that funds are available for that purpose.

**"SECTION 2.** (1) There shall be a statewide special election for the purpose of determining whether the new design for the Mississippi State Flag recommended by the commission shall be the design for the official Mississippi State Flag. The special election shall be held on Tuesday, November 3, 2020, and shall be conducted in the same manner as general elections are held. The question put before the voters at the special election shall read on the ballots as follows:

**" PLEASE VOTE 'YES' OR 'NO' ON WHETHER THE FOLLOWING DESIGN SHALL BE THE OFFICIAL MISSISSIPPI STATE FLAG**

**" YES":**

"The qualified electors may indicate their preference on the line following the answer that they prefer. If a majority of the qualified electors voting on the question in the special election vote "Yes," then the Legislature shall enact into law the new design as the official Mississippi State Flag during the next regular session of the Legislature after the election.

"(2) If a majority of the qualified electors voting on the question in the special election vote 'No,' then the commission shall reconvene to perform the functions described in Section 1 of this act. The commission shall make its recommendation for another new design for the official Mississippi State Flag, which shall be presented to the Governor and the Legislature during the next regular session of the Legislature after the election. The new design for the Mississippi State Flag recommended by the commission shall be placed on the ballot in a statewide special election for the purpose of allowing the qualified electors to determine whether the new design recommended by the commission shall be the design for the official Mississippi State Flag. The special election shall be held on the first Tuesday after the first Monday in November of the year in which the commission presents its recommendation to the Legislature, and shall be conducted in the same manner as general elections are held. The question on the ballot shall be the same question as provided in subsection (1) of this section, and the results of the election shall determine which of the procedures described in this section shall be followed in the future in determining the new design for the official Mississippi State Flag.

"(3) The statewide special election for voting on the new design for the official Mississippi State Flag shall be administered by means of ballots containing a uniform representation of the new design for the Mississippi State Flag recommended by the commission, which shall be provided by the Secretary of State to the election commissioners of each county. The Secretary of State shall determine whether, in each county, it would be more efficient to administer the election by paper ballots, voting machines, electronic voting systems, optical mark reading equipment or other mechanized equipment. The method used in each county shall be as uniform as practicable when compared to any other county in which the same method is used. In any event, the Secretary of State shall include a color picture or drawing of the new design for the Mississippi State Flag on all ballots provided for in this section. The Secretary of State is authorized to enter into any necessary contracts for providing the required color picture or drawing of the new design for the Mississippi State Flag on all ballots in all counties of this state. The costs incurred in providing the ballots that are required to include a color picture or drawing of the new design for the Mississippi State Flag shall

be borne by the State of Mississippi, and the Legislature shall appropriate the funds necessary for this purpose. All other costs associated with the holding of the statewide special election shall be borne by each individual county.

“(4) The county election commissioners shall transmit to the Secretary of State, in the same manner as the vote for state officers is transmitted, a statement of the total number of votes cast in the statewide special election for voting on the new design for the official Mississippi State Flag. The Secretary of State shall tabulate those returns and certify the results to the Governor and to each house of the Legislature.”

On September 2, 2020, the commission selected a final design for the new official Mississippi State Flag, and on November 3, 2020, Mississippi voters adopted the new design.

### **§ 3-3-16.1. Plan for removal of state flag.**

On June 30, 2020, the Department of Archives and History shall immediately develop a plan for the prompt, dignified and respectful removal of the former official Mississippi State Flag described in Section 3-3-16, Mississippi Code of 1972, and the removal of the flag shall take place not later than fifteen (15) days from June 30, 2020.

**HISTORY:** Laws, 2020, ch. 427, § 6, eff from and after passage (approved June 30, 2020).

### **§ 3-3-63. Sunshine Protection Act; year-round daylight saving time.**

(1) This section shall be known and may be cited as the “Sunshine Protection Act.”

(2) If the United States Congress amends 15 USC 260a to authorize states to observe daylight saving time year-round, daylight saving time shall be the year-round standard time of the State of Mississippi and all of its political subdivisions.

**HISTORY:** Laws, 2021, ch. 352, § 1, eff from and after July 1, 2021.

## **CHAPTER 7.**

### **COMPACT FOR A BALANCED BUDGET**

Sec.  
3-7-1. Compact for a balanced budget; compact provisions.

#### **§ 3-7-1. Compact for a balanced budget; compact provisions.**

The State of Mississippi enacts, adopts and agrees to be bound by the following compact:

## **ARTICLE I**

### **DECLARATION OF POLICY, PURPOSE AND INTENT**

WHEREAS, every State enacting, adopting and agreeing to be bound by this Compact intends to ensure that their respective Legislature's use of the power

to originate a Balanced Budget Amendment under Article V of the Constitution of the United States will be exercised conveniently and with reasonable certainty as to the consequences thereof.

NOW, THEREFORE, in consideration of their expressed mutual promises and obligations, be it enacted by every State enacting, adopting and agreeing to be bound by this Compact, and resolved by each of their respective Legislatures, as the case may be, to exercise herewith all of their respective powers as set forth herein notwithstanding any law to the contrary.

## ARTICLE II

### DEFINITIONS

Section 1. "Compact" means this "Compact for a Balanced Budget."

Section 2. "Convention" means the convention for proposing amendments organized by this Compact under Article V of the Constitution of the United States and, where contextually appropriate to ensure the terms of this Compact are not evaded, any other similar gathering or body, which might be organized as a consequence of Congress receiving the application set out in this Compact and claim authority to propose or effectuate any amendment, alteration or revision to the Constitution of the United States. This term does not encompass a convention for proposing amendments under Article V of the Constitution of the United States that is organized independently of this Compact based on the separate and distinct application of any State.

Section 3. "State" means one of the several States of the United States. Where contextually appropriate, the term "State" shall be construed to include all of its branches, departments, agencies, political subdivisions, and officers and representatives acting in their official capacity.

Section 4. "Member State" means a State that has enacted, adopted and agreed to be bound to this Compact. For any State to qualify as a Member State with respect to any other State under this Compact, each such State must have enacted, adopted and agreed to be bound by substantively identical compact legislation.

Section 5. "Compact Notice Recipients" means the Archivist of the United States, the President of the United States, the President of the United States Senate, the Office of the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Office of the Clerk of the United States House of Representatives, the chief executive officer of each State, and the presiding officer(s) of each house of the Legislatures of the several States.

Section 6. Notice. All notices required by this Compact shall be by U.S. Certified Mail, return receipt requested, or an equivalent or superior form of notice, such as personal delivery documented by evidence of actual receipt.

Section 7. "Balanced Budget Amendment" means the following:

"Article \_\_\_\_\_

Section 1. Total outlays of the government of the United States shall not exceed total receipts of the government of the United States at any point in

time unless the excess of outlays over receipts is financed exclusively by debt issued in strict conformity with this article.

Section 2. Outstanding debt shall not exceed authorized debt, which initially shall be an amount equal to one hundred five percent (105%) of the outstanding debt on the effective date of this article. Authorized debt shall not be increased above its aforesaid initial amount unless such increase is first approved by the legislatures of the several states as provided in Section 3.

Section 3. From time to time, Congress may increase authorized debt to an amount in excess of its initial amount set by Section 2 only if it first publicly refers to the legislatures of the several states an unconditional, single subject measure proposing the amount of such increase, in such form as provided by law, and the measure is thereafter publicly and unconditionally approved by a simple majority of the legislatures of the several states, in such form as provided respectively by state law; provided that no inducement requiring an expenditure or tax levy shall be demanded, offered or accepted as a quid pro quo for such approval. If such approval is not obtained within sixty (60) calendar days after referral then the measure shall be deemed disapproved and the authorized debt shall thereby remain unchanged.

Section 4. Whenever the outstanding debt exceeds ninety-eight percent (98%) of the debt limit set by Section 2, the President shall enforce said limit by publicly designating specific expenditures for impoundment in an amount sufficient to ensure outstanding debt shall not exceed the authorized debt. Said impoundment shall become effective thirty (30) days thereafter, unless Congress first designates an alternate impoundment of the same or greater amount by concurrent resolution, which shall become immediately effective. The failure of the President to designate or enforce the required impoundment is an impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess of the debt limit set by Section 2 is void.

Section 5. No bill that provides for a new or increased general revenue tax shall become law unless approved by a two-thirds ( $\frac{2}{3}$ ) roll call vote of the whole number of each House of Congress. However, this requirement shall not apply to any bill that provides for a new end user sales tax which would completely replace every existing income tax levied by the government of the United States; or for the reduction or elimination of an exemption, deduction, or credit allowed under an existing general revenue tax.

Section 6. For purposes of this article, "debt" means any obligation backed by the full faith and credit of the government of the United States; "outstanding debt" means all debt held in any account and by any entity at a given point in time; "authorized debt" means the maximum total amount of debt that may be lawfully issued and outstanding at any single point in time under this article; "total outlays of the government of the United States" means all expenditures of the government of the United States from any source; "total receipts of the government of the United States" means all tax receipts and other income of the government of the United States, excluding proceeds from its issuance or incurrence of debt or any type of liability; "impoundment" means a proposal not to spend all or part of a sum of money appropriated by

Congress; and “general revenue tax” means any income tax, sales tax, or value-added tax levied by the government of the United States excluding imposts and duties.

Section 7. This article is immediately operative upon ratification, self-enforcing, and Congress may enact conforming legislation to facilitate enforcement.”

## ARTICLE III

### COMPACT MEMBERSHIP AND WITHDRAWAL

Section 1. This Compact governs each Member State to the fullest extent permitted by their respective constitutions, superseding and repealing any conflicting or contrary law.

Section 2. By becoming a Member State, each such State offers, promises and agrees to perform and comply strictly in accordance with the terms and conditions of this Compact, and has made such offer, promise and agreement in anticipation and consideration of, and in substantial reliance upon, such mutual and reciprocal performance and compliance by each other current and future Member State, if any. Accordingly, in addition to having the force of law in each Member State upon its respective effective date, this Compact and each of its Articles shall also be construed as contractually binding each Member State when: (a) at least one other State has likewise become a Member State by enacting substantively identical legislation adopting and agreeing to be bound by this Compact; and (b) notice of such State’s Member State status is or has been seasonably received by the Compact Administrator, if any, or otherwise by the chief executive officer of each other Member State.

Section 3. For purposes of determining Member State status under this Compact, as long as all other provisions of the Compact remain identical and operative on the same terms, legislation enacting, adopting and agreeing to be bound by this Compact shall be deemed and regarded as “substantively identical” with respect to such other legislation enacted by another State notwithstanding: (a) any difference in Section 2 of Article IV with specific regard to the respectively enacting State’s own method of appointing its member to the Commission; (b) any difference in Section 5 of Article IV with specific regard to the respectively enacting State’s own obligation to fund the Commission; (c) any difference in Sections 1 and 2 of Article VI with specific regard to the number and identity of each delegate respectively appointed on behalf of the enacting State, provided that no more than three (3) delegates may attend and participate in the Convention on behalf of any State; or (d) any difference in Section 7 of Article X with specific regard to the respectively enacting State as to whether Section 1 of Article V of this Compact shall survive termination of the Compact, and thereafter become a continuing resolution of the Legislature of such State applying to Congress for the calling of a convention of the states under Article V of the Constitution of the United States, under such terms and limitations as may be specified by such State.

Section 4. When fewer than three-fourths ( $\frac{3}{4}$ ) of the States are Member

States, any Member State may withdraw from this Compact by enacting appropriate legislation, as determined by state law, and giving notice of such withdrawal to the Compact Administrator, if any, or otherwise to the chief executive officer of each other Member State. A withdrawal shall not affect the validity or applicability of the compact with respect to remaining Member States, provided that there remain at least two (2) such States. However, once at least three-fourths ( $\frac{3}{4}$ ) of the States are Member States, then no Member State may withdraw from the Compact prior to its termination absent unanimous consent of all Member States.

## ARTICLE IV

### COMPACT COMMISSION AND COMPACT ADMINISTRATOR

Section 1. Nature of the Compact Commission. The Compact Commission (Commission) is hereby established. It has the power and duty: (a) to appoint and oversee a Compact Administrator; (b) to encourage States to join the Compact and Congress to call the Convention in accordance with this Compact; (c) to coordinate the performance of obligations under the Compact; (d) to oversee the Convention's logistical operations as appropriate to ensure this Compact governs its proceedings; (e) to oversee the defense and enforcement of the Compact in appropriate legal venues; (f) to request funds and to disburse those funds to support the operations of the Commission, Compact Administrator, and Convention; and (g) to cooperate with any entity that shares a common interest with the Commission and engages in policy research, public interest litigation or lobbying in support of the purposes of the Compact. The Commission shall only have such implied powers as are essential to carrying out these express powers and duties. It shall take no action that contravenes or is inconsistent with this Compact or any law of any State that is not superseded by this Compact. It may adopt and publish corresponding bylaws and policies.

Section 2. Commission Membership. The Commission initially consists of three (3) unpaid members. Each Member State may appoint one (1) member to the Commission through an appointment process to be determined by their respective chief executive officer until all positions on the Commission are filled. Positions shall be assigned to appointees in the order in which their respective appointing States became Member States. The bylaws of the Commission may expand its membership to include representatives of additional Member States and to allow for modest salaries and reimbursement of expenses if adequate funding exists.

Section 3. Commission Action. Each Commission member is entitled to one (1) vote. The Commission shall not act unless a majority of its appointed membership is present, and no action shall be binding unless approved by a majority of the Commission's appointed membership. The Commission shall meet at least once a year, and may meet more frequently.

Section 4. First Order of Business. The Commission shall at the earliest possible time elect from among its membership a Chairperson, determine a primary place of doing business, and appoint a Compact Administrator.

Section 5. Funding. The Commission and the Compact Administrator's activities shall be funded exclusively by each Member State, as determined by their respective state law, or by voluntary donations.

Section 6. Compact Administrator. The Compact Administrator has the power and duty: (a) to timely notify the States of the date, time and location of the Convention; (b) to organize and direct the logistical operations of the Convention; (c) to maintain an accurate list of all Member States, their appointed delegates, including contact information; and (d) to formulate, transmit, and maintain all official notices, records, and communications relating to this Compact. The Compact Administrator shall only have such implied powers as are essential to carrying out these express powers and duties; and shall take no action that contravenes or is inconsistent with this Compact or any law of any State that is not superseded by this Compact. The Compact Administrator serves at the pleasure of the Commission and must keep the Commission seasonably apprised of the performance or nonperformance of the terms and conditions of this Compact. Any notice sent by a Member State to the Compact Administrator concerning this Compact shall be adequate notice to each other Member State provided that a copy of said notice is seasonably delivered by the Compact Administrator to each other Member State's respective chief executive officer.

Section 7. Notice of Key Events. Upon the occurrence of each of the following described events, or otherwise as soon as possible, the Compact Administrator shall immediately send the following notices to all Compact Notice Recipients, together with certified conforming copies of the chaptered version of this Compact as maintained in the statutes of each Member State: (a) whenever any State becomes a Member State, notice of that fact shall be given; (b) once at least three-fourths ( $\frac{3}{4}$ ) of the States are Member States, notice of that fact shall be given together with a statement declaring that the Legislatures of at least two-thirds ( $\frac{2}{3}$ ) of the several States have applied for a convention for proposing amendments under Article V of the Constitution of the United States, petitioning Congress to call the Convention contemplated by this Compact, and further requesting cooperation in organizing the same in accordance with this Compact; (c) once Congress has called the Convention contemplated by this Compact, and whenever the date, time and location of the Convention has been determined, notice of that fact shall be given together with the date, time and location of the Convention and other essential logistical matters; (d) upon approval of the Balanced Budget Amendment by the Convention, notice of that fact shall be given together with the transmission of certified copies of such approved proposed amendment and a statement requesting Congress to refer the same for ratification by three-fourths ( $\frac{3}{4}$ ) of the Legislatures of the several States under Article V of the Constitution of the United States (however, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted); and (e) when any Article of

this Compact prospectively ratifying the Balanced Budget Amendment is effective in any Member State, notice of the same shall be given together with a statement declaring such ratification and further requesting cooperation in ensuring that the official record confirms and reflects the effective corresponding amendment to the Constitution of the United States. However, whenever any Member State enacts appropriate legislation, as determined by the laws of the respective state, withdrawing from this Compact, the Compact Administrator shall immediately send certified conforming copies of the chaptered version of such withdrawal legislation as maintained in the statutes of each such withdrawing Member State, solely to each chief executive officer of each remaining Member State, giving notice of such withdrawal.

Section 8. Cooperation. The Commission, Member States and Compact Administrator shall cooperate with each other and give each other mutual assistance in enforcing this Compact and shall give the chief law enforcement officer of each other Member State any information or documents that are reasonably necessary to facilitate the enforcement of this Compact.

Section 9. This Article does not take effect until there are at least two (2) Member States.

## **ARTICLE V**

### **RESOLUTION APPLYING FOR CONVENTION**

Section 1. Be it resolved, as provided for in Article V of the Constitution of the United States, the Legislature of each Member State herewith applies to Congress for the calling of a convention for proposing amendments limited to the subject matter of proposing for ratification the Balanced Budget Amendment.

Section 2. Congress is further petitioned to refer the Balanced Budget Amendment to the States for ratification by three-fourths ( $\frac{3}{4}$ ) of their respective Legislatures.

Section 3. This Article does not take effect until at least three-fourths ( $\frac{3}{4}$ ) of the several States are Member States.

## **ARTICLE VI**

### **DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS**

Section 1. Number of Delegates. This Member State shall be entitled to three (3) delegates to represent its sovereign interests at the Convention.

Section 2. Identity of Delegates. The Governor, Speaker of the House of Representatives, and President of the Senate of this Member State, who are in office at the time of the Convention, or their respective designee, as identified in a sworn affidavit executed by such officer, are each appointed in an individual capacity to represent this Member State at the Convention as its sole and exclusive delegates. A majority vote of this delegation shall serve to

decide any issue at the Convention on behalf of this Member State.

Section 3. Replacement or Recall of Delegates. A delegate appointed hereunder may be replaced or recalled by the Legislature of his or her respective State at any time for good cause, such as criminal misconduct or the violation of this Compact. If replaced or recalled, any delegate previously appointed hereunder must immediately vacate the Convention and return to their respective State's capitol.

Section 4. Oath. The power and authority of a delegate under this Article may only be exercised after the Convention is first called by Congress in accordance with this Compact and such appointment is duly accepted by such appointee publicly taking the following oath or affirmation: "I do solemnly swear (or affirm) that I accept this appointment and will act strictly in accordance with the terms and conditions of the Compact for a Balanced Budget, the Constitution of the State I represent, and the Constitution of the United States. I understand that violating this oath (or affirmation) forfeits my appointment and may subject me to other penalties as provided by law."

Section 5. Term. The term of a delegate hereunder commences upon acceptance of appointment and terminates upon the permanent adjournment of the Convention, unless shortened by recall, replacement or forfeiture under this Article. Upon expiration of such term, any person formerly serving as a delegate must immediately withdraw from and cease participation at the Convention, if any is proceeding.

Section 6. Delegate Authority. The power and authority of any delegate appointed hereunder is strictly limited: (a) to introducing, debating, voting upon, proposing and enforcing the Convention Rules specified in this Compact, as needed to ensure those rules govern the Convention; and (b) to introducing, debating, voting upon, and rejecting or proposing for ratification the Balanced Budget Amendment. All actions taken by any delegate in violation of this section are void ab initio.

Section 7. Delegate Authority. No delegate of any Member State may introduce, debate, vote upon, reject or propose for ratification any constitutional amendment at the Convention unless: (a) the Convention Rules specified in this Compact govern the Convention and their actions; and (b) the constitutional amendment is the Balanced Budget Amendment.

Section 8. Delegate Authority. The power and authority of any delegate at the Convention does not include any power or authority associated with any other public office held by the delegate. Any person appointed to serve as a delegate shall take a temporary leave of absence, or otherwise shall be deemed temporarily disabled, from any other public office held by the delegate while attending the Convention, and may not exercise any power or authority associated with any other public office held by the delegate, while attending the Convention. All actions taken by any delegate in violation of this section are void ab initio.

Section 9. Order of Business. Before introducing, debating, voting upon, rejecting or proposing for ratification any constitutional amendment at the Convention, each delegate of every Member State must first ensure the

Convention Rules in this Compact govern the Convention and their actions. Every delegate and each Member State must immediately vacate the Convention and notify the Compact Administrator by the most effective and expeditious means if the Convention Rules in this Compact are not adopted to govern the Convention and their actions.

Section 10. Forfeiture of Appointment. If any Member State or delegate violates any provision of this Compact, then every delegate of that Member State immediately forfeits his or her appointment, and shall immediately cease participation at the Convention, vacate the Convention, and return to his or her respective State's capitol.

Section 11. Expenses. A delegate appointed hereunder is entitled to reimbursement of reasonable expenses for attending the Convention from his or her respective Member State. No delegate may accept any other form of remuneration or compensation for service under this Compact.

## **ARTICLE VII**

### **CONVENTION RULES**

Section 1. Nature of the Convention. The Convention shall be organized, construed and conducted as a body exclusively representing and constituted by the several States.

Section 2. Agenda of the Convention. The agenda of the Convention shall be entirely focused upon and exclusively limited to introducing, debating, voting upon, and rejecting or proposing for ratification the Balanced Budget Amendment under the Convention Rules specified in this Article and in accordance with the Compact. It shall not be in order for the Convention to consider any matter that is outside the scope of this agenda.

Section 3. Delegate Identity and Procedure. States shall be represented at the Convention through duly appointed delegates. The number, identity and authority of delegates assigned to each State shall be determined by this Compact in the case of Member States or, in the case of States that are not Member States, by their respective state laws. However, to prevent disruption of proceedings, no more than three (3) delegates may attend and participate in the Convention on behalf of any State. A certified chaptered conforming copy of this Compact, together with government-issued photographic proof of identification, shall suffice as credentials for delegates of Member States. Any commission for delegates of States that are not Member States shall be based on their respective state laws, but it shall furnish credentials that are at least as reliable as those required of Member States.

Section 4. Voting. Each State represented at the Convention shall have one (1) vote, exercised by the vote of that State's delegate in the case of States represented by one delegate, or, in the case of any State that is represented by more than one delegate, by the majority vote of that State's respective delegates.

Section 5. Quorum. A majority of the several States of the United States, each present through its respective delegate in the case of any State that is

represented by one (1) delegate, or through a majority of its respective delegates, in the case of any State that is represented by more than one (1) delegate, shall constitute a quorum for the transaction of any business on behalf of the Convention.

Section 6. Action by the Convention. The Convention shall only act as a committee of the whole, chaired by the delegate representing the first State to have become a Member State, if that State is represented by one (1) delegate, or otherwise by the delegate chosen by the majority vote of that State's respective delegates. The transaction of any business on behalf of the Convention, including the designation of a Secretary, the adoption of parliamentary procedures and the rejection or proposal of any constitutional amendment, requires a quorum to be present and a majority affirmative vote of those States constituting the quorum.

Section 7. Emergency Suspension and Relocation of the Convention. In the event that the Chair of the Convention declares an emergency due to disorder or an imminent threat to public health and safety prior to the completion of the business on the Agenda, and a majority of the States present at the Convention do not object to such declaration, further Convention proceedings shall be temporarily suspended, and the Commission shall subsequently relocate or reschedule the Convention to resume proceedings in an orderly fashion in accordance with the terms and conditions of this Compact with prior notice given to the Compact Notice Recipients.

Section 8. Parliamentary Procedure. In adopting, applying and formulating parliamentary procedure, the Convention shall exclusively adopt, apply or appropriately adapt provisions of the most recent editions of Robert's Rules of Order and the American Institute of Parliamentarians Standard Code of Parliamentary Procedure. In adopting, applying or adapting parliamentary procedure, the Convention shall exclusively consider analogous precedent arising within the jurisdiction of the United States. Parliamentary procedures adopted, applied or adapted pursuant to this section shall not obstruct, override or otherwise conflict with this Compact.

Section 9. Transmittal. Upon approval of the Balanced Budget Amendment by the Convention to propose for ratification, the Chair of the Convention shall immediately transmit certified copies of such approved proposed amendment to the Compact Administrator and all Compact Notice Recipients, notifying them respectively of such approval and requesting Congress to refer the same for ratification by the States under Article V of the Constitution of the United States. However, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted as aforesaid.

Section 10. Transparency. Records of the Convention, including the identities of all attendees and detailed minutes of all proceedings, shall be kept by the Chair of the Convention or Secretary designated by the Convention. All proceedings and records of the Convention shall be open to the public upon request subject to reasonable regulations adopted by the Convention that are closely tailored to preventing disruption of proceedings under this Article.

Section 11. Adjournment of the Convention. The Convention shall perma-

nently adjourn upon the earlier of twenty-four (24) hours after commencing proceedings under this Article or the completion of the business on its Agenda.

## **ARTICLE VIII**

### **PROHIBITION ON ULTRA VIRES CONVENTION**

Section 1. Member States shall not participate in the Convention unless: (a) Congress first calls the Convention in accordance with this Compact; and (b) the Convention Rules of this Compact are adopted by the Convention as its first order of business.

Section 2. Any proposal or action of the Convention is void ab initio and issued by a body that is conducting itself in an unlawful and ultra vires fashion if that proposal or action: (a) violates or was approved in violation of the Convention Rules or the delegate instructions and limitations on delegate authority specified in this Compact; (b) purports to propose or effectuate a mode of ratification that is not specified in Article V of the Constitution of the United States; or (c) purports to propose or effectuate the formation of a new government. All Member States are prohibited from advancing or assisting in the advancement of any such proposal or action.

Section 3. Member States shall not ratify or otherwise approve any proposed amendment, alteration or revision to the Constitution of the United States, which originates from the Convention, other than the Balanced Budget Amendment.

## **ARTICLE IX**

### **RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT**

Section 1. Each Member State, by and through its respective Legislature, hereby adopts and ratifies the Balanced Budget Amendment.

Section 2. This Article does not take effect until Congress effectively refers the Balanced Budget Amendment to the States for ratification by three-fourths ( $\frac{3}{4}$ ) of the Legislatures of the several States under Article V of the Constitution of the United States.

## **ARTICLE X**

### **CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY**

Section 1. To the extent that the effectiveness of this Compact or any of its Articles or provisions requires the alteration of local legislative rules, drafting policies, or procedure to be effective, the enactment of legislation enacting, adopting and agreeing to be bound by this Compact shall be deemed to waive, repeal, supersede, or otherwise amend and conform all such rules, policies or procedures to allow for the effectiveness of this Compact to the fullest extent

permitted by the constitution of any affected Member State.

Section 2. Date and Location of the Convention. Unless otherwise specified by Congress in its call, the Convention shall be held in Dallas, Texas and commence proceedings at 9:00 a.m. Central Standard Time on the sixth Wednesday after the latter of the effective date of Article V of this Compact or the enactment date of the Congressional resolution calling the Convention.

Section 3. In addition to all other powers and duties conferred by state law which are consistent with the terms and conditions of this Compact, the chief law enforcement officer of each Member State is empowered to defend the Compact from any legal challenge, as well as to seek civil mandatory and prohibitory injunctive relief to enforce this Compact; and shall take such action whenever the Compact is challenged or violated.

Section 4. The exclusive venue for all actions in any way arising under this Compact shall be in the United States District Court for the Northern District of Texas or the courts of the State of Texas within the jurisdictional boundaries of the foregoing district court. Each Member State shall submit to the jurisdiction of said courts with respect to such actions. However, upon written request by the chief law enforcement officer of any Member State, the Commission may elect to waive this provision for the purpose of ensuring an action proceeds in the venue that allows for the most convenient and effective enforcement or defense of this Compact. Any such waiver shall be limited to the particular action to which it is applied and not construed or relied upon as a general waiver of this provision. The waiver decisions of the Commission under this provision shall be final and binding on each Member State.

Section 5. The effective date of this Compact and any of its Articles is the latter of: (a) the date of any event rendering the same effective according to its respective terms and conditions; or (b) the earliest date otherwise permitted by law.

Section 6. Article VIII of this Compact is hereby deemed non-severable prior to termination of the Compact. However, if any other phrase, clause, sentence or provision of this Compact, or the applicability of any other phrase, clause, sentence or provision of this Compact to any government, agency, person or circumstance, is declared in a final judgment to be contrary to the Constitution of the United States, contrary to the state constitution of any Member State, or is otherwise held invalid by a court of competent jurisdiction, such phrase, clause, sentence or provision shall be severed and held for naught, and the validity of the remainder of this Compact and the applicability of the remainder of this Compact to any government, agency, person or circumstance shall not be affected. Furthermore, if this Compact is declared in a final judgment by a court of competent jurisdiction to be entirely contrary to the state constitution of any Member State or otherwise entirely invalid as to any Member State, such Member State shall be deemed to have withdrawn from the Compact, and the Compact shall remain in full force and effect as to any remaining Member State. Finally, if this Compact is declared in a final judgment by a court of competent jurisdiction to be wholly or substantially in violation of Article I, Section 10, of the Constitution of the United States, then

it shall be construed and enforced solely as reciprocal legislation enacted by the affected Member State(s).

Section 7. Termination. This Compact shall terminate and be held for naught when the Compact is fully performed and the Constitution of the United States is amended by the Balanced Budget Amendment. However, notwithstanding anything to the contrary set forth in this Compact, in the event such amendment does not occur on or before April 12, 2031, the Compact shall terminate as follows: (a) the Commission shall dissolve and wind up its operations within ninety (90) days thereafter, with the Compact Administrator giving notice of such dissolution and the operative effect of this section to the Compact Notice Recipients; and (b) upon the completed dissolution of the Commission, this Compact shall be deemed terminated, repealed, void ab initio, and held for naught.

**HISTORY:** Laws, 2015, ch. 331, § 1, eff from and after passage (approved Mar. 13, 2015); Laws, 2021, ch. 358, § 1, eff from and after passage (approved March 17, 2021).

**Amendment Notes —** The 2021 amendment, in Article VI, rewrote Section 1, which read: “Number of Delegates. Each Member State shall be entitled to one (1) delegate as its sole and exclusive representative at the Convention as set forth in this Article”; and rewrote Section 2, which read: “Identity of Delegates. Each Member State’s chief executive officer, who is serving on the enactment date of this Compact, is appointed in an individual capacity to represent his or her respective State at the Convention as its sole and exclusive delegate”; and in Section 7 of Article X, substituted “on or before April 12, 2031” for “within seven (7) years after the first State passes legislation enacting, adopting and agreeing to be bound to this Compact.”

**TITLE 5.**  
**LEGISLATIVE DEPARTMENT**  
**CHAPTER 1.**  
**LEGISLATURE**

**§ 5-1-41. Remuneration of legislators.**

**ATTORNEY GENERAL OPINIONS**

All sums paid to legislators under this section, with the exception of mileage, are considered salary for the purposes of Miss. Code Ann. § 25-11-127(4)(a). Higgins, Jan. 24, 2019, A.G. Op. 19-0001.

## TITLE 7.

### EXECUTIVE DEPARTMENT

Chapter 3. Secretary of State .....	7-3-1
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## CHAPTER 1.

### GOVERNOR

#### ADMINISTRATION OF THE WORKFORCE INVESTMENT ACT PROGRAMS IN MISSISSIPPI

**§ 7-1-355. Administration of Workforce Investment Act programs; annual report on Workforce Investment Act activities [Repealed effective July 1, 2023; For contingent repeal of this section, see Editor's note].**

**Editor's Notes —** Laws of 2004, ch. 572, § 60, as amended by Laws of 2008, 1st Ex Sess, ch. 30, § 58, as amended by Laws of 2010, ch. 559, § 58, as amended by Laws of 2011, ch. 471, § 59, as amended by Laws of 2012, ch. 515, § 58, as amended by Laws of 2019, ch. 451, § 58, and as amended by Laws of 2020, ch. 476, § 7, provides:

"SECTION 60. Sections 8 through 59 of this act shall stand repealed on July 1, 2023."

## CHAPTER 3.

### SECRETARY OF STATE

General Provisions. ....	7-3-1
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#### GENERAL PROVISIONS

Sec.	
7-3-7.	Seal.
7-3-8.	Replacement of older version of Secretary of State seal.

**§ 7-3-7. Seal.**

The Secretary of State shall have a seal which shall be in the form of a circle, with the image of an eagle in the center and around the margin the words "Secretary of State-State of Mississippi" and under the image of the eagle the words: "In God We Trust."

The Secretary of State shall affix the seal prescribed to every document where the same is required by law, and to every certificate and other official paper executed by him where necessary or proper. All documents authenticated with the seal and signed by the Secretary of State shall be received as evidence in all courts, investigations, and proceedings authorized by law, and may be recorded in the same manner and with like effect as a deed. All copies

of papers in the Office of the Secretary of State, certified by him and authenticated by the seal, shall be accepted in all matters equally in like manner as the original.

**HISTORY:** Codes, 1930, § 6935; 1942, § 4195; Laws, 1928, ch. 332; Laws, 2020, ch. 381, § 1, eff from and after passage (approved June 25, 2020).

**Amendment Notes.** The 2020 amendment, effective June 25, 2020, substituted “the words: ‘In God We Trust’ ” for “the word: ‘Official’ ” in the first paragraph; and made minor stylistic changes in the second paragraph.

### **§ 7-3-8. Replacement of older version of Secretary of State seal.**

The Office of the Secretary of State shall continue to use stationery and other supplies having the seal thereon as it existed before July 1, 2020, until such stationery and other supplies are depleted. The seal as it existed before July 1, 2020, affixed on any public buildings, property or any other item shall remain thereon until the replacement of the seal due to normal wear or until replacement with any nonpublic funds.

**HISTORY:** Laws, 2020, ch. 381, § 2, eff from and after passage (approved June 25, 2020).

## **CHAPTER 5.**

### **ATTORNEY GENERAL**

#### **IN GENERAL**

### **§ 7-5-1. Qualifications, election, and duties.**

#### **JUDICIAL DECISIONS**

##### **1. In general.**

Attorney General had both the authority, vested in common law and statute, as well as the county district attorney's consent, to prosecute defendant because he prosecuted defendant with at least the implicit blessing of the county district attorney, who declined to prosecute defendant based upon the specialized nature of

the crimes alleged; the county district attorney indicated his “agreement” that the Attorney General should prosecute the action on behalf of the Mississippi Gaming Commission. *Moore v. State*, 309 So. 3d 7, 2020 Miss. App. LEXIS 391 (Miss. Ct. App. 2020), cert. denied, 309 So. 3d 451, 2021 Miss. LEXIS 8 (Miss. 2021).

## CHAPTER 7.

### STATE FISCAL OFFICER; DEPARTMENT OF AUDIT

#### ARTICLE 3.

##### DEPARTMENT OF AUDIT.

###### § 7-7-211. Powers and duties of department.

###### OPINIONS OF THE ATTORNEY GENERAL

Planning and Development Districts are either public entities or instrumentalities of political subdivisions of the state and, as such, are subject to audit by the State Auditor. McLeod, Nov. 26, 2003, A.G. Op. 03-0573.

###### § 7-7-218. Preparation of report by State Auditor where public officer or employee fails or refuses to make report; correction and publication of finding of substantial noncompliance where public officer or employee fails to correct finding; payment of expenses.

###### OPINIONS OF THE ATTORNEY GENERAL

If an officer or employee of the state or subdivision fails or refuses to make any report as set forth in Section 7-7-218, and that failure or refusal constitutes a breach

of his or her faithful performance of duty, then recovery may be sought from the applicable bond. Bryant, May 5, 2000, A.G. Op. #2000-0185.

## CHAPTER 11.

### SECRETARY OF STATE; LAND RECORDS

###### § 7-11-2. Abolition of office of State Land Commissioner; transfer of duties and responsibilities to Secretary of State.

###### JUDICIAL DECISIONS

###### 1. In general.

School board's duty as trustee to assure adequate consideration is received based on current fair market value of the Sixteenth Section Land cannot be waived, even by mutual agreement in a contract; Sixteenth Section leases come with certain constitutional and statutory require-

ments, one being that rent adjustment at least once every ten years is a mutual, mandatory obligation and not a mere right to be exercised or waived. Oak Grove Marketplace, LLC v. Lamar Cty. Sch. Dist., 287 So. 3d 924, 2020 Miss. LEXIS 6 (Miss. 2020).

**TITLE 9.****COURTS**

Chapter 1.	Provisions Common to Courts. [.....]	9-1-1
Chapter 5.	Chancery Courts. .....	9-5-1
Chapter 7.	Circuit Courts. .....	9-7-1

**CHAPTER 1.****PROVISIONS COMMON TO COURTS**

General Provisions. ....	9-1-1
Electronic Filing and Storage of Court Documents. ....	9-1-51

**GENERAL PROVISIONS**

Sec.	
9-1-49.	Report concerning certain persons' access to firearms.

**§ 9-1-11. Judge not to sit when interested or related.****JUDICIAL DECISIONS****6. Prior interest in cause as counsel.**

Circuit court judge did not abuse the judge's discretion in the judge's failing to recuse from defendant's case because no constitutional or statutory grounds for disqualification of the judge were raised. Furthermore, recusal was not required

because, even assuming that the circuit court retained jurisdiction of defendant's case, no action was taken on the case during the time when the judge served as district attorney. *Alexander v. State*, — So. 3d —, 2021 Miss. App. LEXIS 301 (Miss. Ct. App. July 27, 2021).

**§ 9-1-41. Reasonableness of attorneys' fees; evidence.****JUDICIAL DECISIONS****2. Application.**

Chancellor found the mother in willful contempt of the child custody and visitation order, and thus the chancellor properly awarded \$ 1,000 in attorney fees to the father; although the father sought \$ 2,500, he provided no evidence to support his assertion that the \$ 1,000 award was insufficient or unreasonable. *Dixon v. Olmstead*, 296 So. 3d 227, 2020 Miss. App. LEXIS 333 (Miss. Ct. App. 2020).

There was substantial evidence to support the chancellor's award to the father and finding that \$8,000 was a reasonable amount for the contempt petitions, including that the mother continually denied the

father visitation with the child. *Riley v. Heisinger*, 302 So. 3d 1243, 2020 Miss. App. LEXIS 486 (Miss. Ct. App. 2020).

Circuit court did not err in affirming a county court's award of attorney's fees for appellee in the amount of \$9,986, where the county court followed the statute governing attorney's fees, appellee provided an affidavit stating his attorney's fees in the amount of \$9,986, and the parties clearly agreed to attorney's fees pursuant to the parties' lease agreement. The appellate court could not say that the sum awarded was unreasonable. *Winters v. Feng*, — So. 3d —, 2020 Miss. App. LEXIS 616 (Miss. Ct. App. Nov. 10, 2020), cert.

denied, — So. 3d —, 2021 Miss. LEXIS 186 (Miss. 2021).

### § 9-1-49. Report concerning certain persons' access to firearms.

(1) The clerk of the court shall prepare and forward to the Department of Public Safety the information described by subsection (2) of this section not later than the thirtieth day after the date the court:

(a) Judicially determines that a person is a person with mental illness or person with an intellectual disability under Title 41, Chapter 21, Mississippi Code of 1972, whether ordered for inpatient treatment, outpatient treatment, day treatment, night treatment or home health services treatment;

(b) Acquits a person in a criminal case by reason of insanity or on a ground of intellectual disability, without regard to whether the person is ordered by a court to receive inpatient treatment or residential care under Section 99-13-7;

(c) Appoints a guardian or conservator under Article 2, 3 or 4 of Title 93, Chapter 20, Mississippi Code of 1972, based on the determination that the person is incapable of managing his own person or estate;

(d) Determines that a person is incompetent to stand trial pursuant to Rule 9.06 of the Mississippi Rules of Circuit and County Court Practice;

(e) Finds under Section 93-20-318 or 93-20-430 that a person has been restored to reason; or

(f) Enters an order of relief from a firearms disability under Section 97-37-5(4).

(2) The clerk of the court shall prepare and forward the following information:

(a) The complete name, race, and sex of the person;

(b) Any known identifying number of the person, including social security number, driver's license number, or state identification card number;

(c) The person's date of birth; and

(d) The federal prohibited-person information that is the basis of the report required by this section.

(3) If practicable, the clerk of the court shall forward to the Department of Public Safety the information described by subsection (2) of this section in an electronic format prescribed by the department.

(4) If an order previously reported to the department under subsection (1) of this section is reversed by order of any court, the clerk shall notify the department of the reversal not later than thirty (30) days after the clerk receives the court order or the mandate from the appellate court.

(5) The duty of a clerk to prepare and forward information under this section is not affected by:

(a) Any subsequent appeal of the court order;

(b) Any subsequent modification of the court order; or

(c) The expiration of the court order.

**HISTORY:** Laws, 2013, ch. 384, § 2, eff from and after July 1, 2013; Laws, 2019, ch. 463, § 2, eff from and after January 1, 2020.

**Editor's Note** — This section is set out above to correct a typographical error in subsection (1)(e), in the version of the section that is effective from and after January 1, 2020, as it appeared in the 2019 Replacement Volume 2.

## ELECTRONIC FILING AND STORAGE OF COURT DOCUMENTS

Sec.	
9-1-59.	Pleadings and other papers to be served, filed, signed or verified by electronic means; conformity with Mississippi Electronic Court System.

### **§ 9-1-59. Pleadings and other papers to be served, filed, signed or verified by electronic means; conformity with Mississippi Electronic Court System.**

Each circuit, chancery and county court in this state shall require all pleadings and other papers to be served, filed, signed or verified by electronic means in conformity with the Mississippi Electronic Court System procedures by July 1, 2021.

**HISTORY:** Laws, 2020, ch. 426, § 1, eff from and after July 1, 2020.

## CHAPTER 5. CHANCERY COURTS

Chancellors, Districts and Terms. ....	9-5-1
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### CHANCELLORS, DISTRICTS AND TERMS

Sec.	
9-5-13.	Third district; number of chancellors; number and election of chancellors of subdistricts.

### **§ 9-5-13. Third district; number of chancellors; number and election of chancellors of subdistricts.**

[Until January 1, 2027, this section shall read as follows:].

(1) There shall be three (3) chancellors for the Third Chancery Court District.

(2)(a) The chancellor of Subdistrict 3-1 shall be elected from DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall be elected from Grenada County, Montgomery County, Panola County, Tate County and Yalobusha County.

(b) For purposes of appointment and election, the three (3) chancellorships shall be separate and distinct. The chancellorship in Subdistrict 3-1

shall be denominated only as "Place One," and the chancellorships in Subdistrict 3-2 shall be denominated only as "Place Two" and "Place Three."

**[From and after January 1, 2027, this section shall read as follows:]**

(1) There shall be four (4) chancellors for the Third Chancery Court District.

(2)(a) The two (2) chancellors of Subdistrict 3-1 shall be elected from DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall be elected from Grenada County, Montgomery County, Panola County, Tate County and Yalobusha County.

(b) For purposes of appointment and election, the four (4) chancellorships shall be separate and distinct and denominated as "Place One," "Place Two," "Place Three" and "Place Four". The chancellorships in Subdistrict 3-1 shall be denominated only as "Place One" and "Place Four" and the chancellorships in Subdistrict 3-2 shall be denominated only as "Place Two" and "Place Three."

**HISTORY:** Codes, 1942, § 1218.1; Laws, 1970, ch. 325, §§ 1-4, eff from; Laws, 1994, ch. 564, § 7; Laws, 2005, ch. 501, § 2, eff Jan. 1, 2007; Laws, 2020, ch. 474, § 7, eff from and after July 1, 2020.

**Joint Legislative Committee Note** — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error in the bracketed effective date language preceding the second version of the section by inserting the word "and" between "From" and "after." The Joint Committee ratified the correction at its October 19, 2020, meeting.

**Editor's Notes** — Laws of 2020, ch. 474, §§ 8 through 9 provide:

"SECTION 8. (1) The new circuit judge position created for the Twenty-third Circuit Court District by virtue of this act shall be filled during the November 2022 judicial election in accordance with Sections 23-15-974 through 23-15-985.

"(2)(a) The office of district attorney for the Twenty-third Circuit Court District created by virtue of this act shall be filled by the person who holds the office of district attorney for the Seventeenth Circuit Court District on December 31, 2022. Such person shall serve as the district attorney for the Twenty-third Circuit Court District until a successor for such office is elected in the November 2023 general election. Notwithstanding any other provision of law to the contrary regarding residency of candidates for the office of district attorney, the person serving as the district attorney for the Seventeenth Circuit Court District as of December 31, 2022, may qualify as a candidate to run for the office of district attorney for the Twenty-third Circuit Court District in the November 2023 general election, if such person is otherwise qualified as a candidate as provided by law.

"(b) The vacancy created by virtue of paragraph (a) of this subsection (2) for the office of district attorney for the Seventeenth Circuit Court District shall be filled by special election on the date set for judicial elections in November 2022, with such person taking office as district attorney for the Seventeenth Circuit Court District on January 1, 2023, for a term to expire as is provided for district attorneys generally. The date and deadline to qualify as a candidate in the special election for such office shall be the same as for judicial candidates for the November 2022 judicial elections.

"(3) The new chancellorship position created for the Third Chancery Court District by virtue of this act shall be filled during the November 2026 judicial election in accordance with Sections 23-15-974 through 23-15-985.

"SECTION 9. Monies appropriated for the purposes of funding drug courts in the Seventeenth and the Twenty-third Circuit Court Districts as described in this act shall

be apportioned equally.

“SECTION 10. Sections 3 and 4 of this act shall take effect and be in force from and after January 1, 2023, and the remainder of this act shall take effect and be in force from and after July 1, 2020.”

**Amendment Notes** — The 2020 amendment provided for two versions of the section, and in the version effective from and after January 1, 2027, in (1), substituted “four (4)” for “three (3);” in (2)(a), inserted “two (2)” and made a related change; and in (2)(b), in the first sentence, substituted “four (4)” for “three (3),” added “and denominated as ‘Place One,’ ‘Place Two,’ ‘Place Three’ and ‘Place Four,’” and inserted “and ‘Place Four’” and made a related change.

## CHANCERY CLERKS

### § 9-5-131. Bond of clerk.

#### OPINIONS OF THE ATTORNEY GENERAL

There is no requirement in Section 9-5-131 et seq., which would require a chancery clerk to post foreclosure notices and execute an affidavit stating that the same was posted, nor is there such requirement or authority in Sections 25-7-9, 25-7-11,

and 89-1-53 et. seq., however, pursuant to Sections 25-7-33 and 25-7-45, if a clerk chooses to post such notices, he may assess a fee of \$.25 for executing an affidavit stating that the same was posted. Gex, Mar. 14, 2003, A.G. Op. #03-0112.

## CHAPTER 7.

### CIRCUIT COURTS

Judges, Districts, and Terms of Court. .... 9-7-1

#### JUDGES, DISTRICTS, AND TERMS OF COURT

Sec.	
9-7-45.	Seventeenth district; composition.
9-7-46.	Seventeenth district; number and election of judges.
9-7-63.	Twenty-third district; composition [Effective January 1, 2023].
9-7-64.	Twenty-third district; number and election of judges [Effective January 1, 2023].

### § 9-7-45. Seventeenth district; composition.

[Until January 1, 2023, this section shall read as follows:]

The Seventeenth Circuit Court District shall be divided into two (2) subdistricts as follows:

- (a) Subdistrict 17-1 shall be composed of DeSoto County; and
- (b) Subdistrict 17-2 shall be composed of Panola County, Tallahatchie County, Tate County and Yalobusha County.

[From and after January 1, 2023, this section shall read as follows:]

The Seventeenth Circuit Court District shall be composed of the following counties:

- (a) Panola County;
- (b) Tallahatchie County;
- (c) Tate County; and
- (d) Yalobusha County.

**HISTORY:** Codes, 1930, § 473; 1942, § 1411; Laws, 1932, ch. 147; Laws, 1968, ch. 329, § 1; Laws, 1970, ch. 331, § 1; Laws, 1983, ch. 499, § 15; Laws, 1985, ch. 502, § 39; Laws, 1994, ch. 564, § 66; Laws, 2015, ch. 476, § 54, eff from and after passage (approved Apr. 22, 2015); Laws, 2020, ch. 474, § 5, eff from and after July 1, 2020.

**Joint Legislative Committee Note** — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error in the bracketed effective date language preceding the second version of the section by inserting the word "and" between "From" and "after." The Joint Committee ratified the correction at its October 19, 2020, meeting.

**Editor's Notes** — Laws of 2020, ch. 474, §§ 8 through 10, provide:

"SECTION 8. (1) The new circuit judge position created the Twenty-third Circuit Court District by virtue of this act shall be filled during the November 2022 judicial election in accordance with Sections 23-15-974 through 23-15-985.

"(2) (a) The office of district attorney for the Twenty-third Circuit Court District created by virtue of this act shall be filled by the person who holds the office of district attorney for the Seventeenth Circuit Court District on December 31, 2022. Such person shall serve as the district attorney for the Twenty-third Circuit Court District until a successor for such office is elected in the November 2023 general election. Notwithstanding any other provision of law to the contrary regarding residency of candidates for the office of district attorney, the person serving as the district attorney for the Seventeenth Circuit Court District as of December 31, 2022, may qualify as a candidate to run for the office of district attorney for the Twenty-third Circuit Court District in the November 2023 general election, if such person is otherwise qualified as a candidate as provided by law.

"(b) The vacancy created by virtue of paragraph (a) of this subsection (2) for the office of district attorney for the Seventeenth Circuit Court District shall be filled by special election on the date set for judicial elections in November 2022, with such person taking office as district attorney for the Seventeenth Circuit Court District on January 1, 2023, for a term to expire as is provided for district attorneys generally. The date and deadline to qualify as a candidate in the special election for such office shall be the same as for judicial candidates for the November 2022 judicial elections.

"(3) The new chancellorship position created for the Third Chancery Court District by virtue of this act shall be filled during the November 2026 judicial election in accordance with Sections 23-15-974 through 23-15-985.

"SECTION 9. Monies appropriated for the purposes of funding drug courts in the Seventeenth and the Twenty-third Circuit Court Districts as described in this act shall be apportioned equally.

"SECTION 10. Sections 3 and 4 of this act shall take effect and be in force from and after January 1, 2023, and the remainder of this act shall take effect and be in force from and after July 1, 2020."

**Amendment Notes** — The 2020 amendment provided for two versions of the section, and in the version effective from and after January 1, 2023, rewrote the section to delete the subdistricts and amend the composition of the district to delete DeSoto County. For DeSoto County, see now §§ 9-7-63 and 9-7-64.

**§ 9-7-46. Seventeenth district; number and election of judges.**

[Until January 1, 2023, this section shall read as follows:]

(1) There shall be four (4) circuit judges for the Seventeenth Circuit Court District.

(2) For the purpose of appointment and election, the four (4) judgeships shall be separate and distinct, and one (1) judge shall be elected from Subdistrict 17-1, two (2) judges shall be elected from Subdistrict 17-2, and one (1) judge shall be elected from every county in the district. The two (2) judgeships in Subdistrict 17-2 shall be denominated as "Place One" and "Place Two," the judgeship in Subdistrict 17-1 shall be denominated as "Place Three," and the at-large judgeship shall be denominated as "Place Four."

[From and after January 1, 2023, this section shall read as follows:]

(1) There shall be two (2) circuit judges for the Seventeenth Circuit Court District.

(2) For the purpose of appointment and election, the two (2) judgeships shall be separate and distinct, and be denominated as "Place One" and "Place Two."

**HISTORY:** Laws, 1982, ch. 413; Laws, 1985, ch. 502, § 55; Laws, 1994, ch 564, § 67; Laws, 2005, ch. 501, § 16, eff Jan. 1, 2007; Laws, 2020, ch. 474, § 6, eff from and after July 1, 2020.

**Editor's Notes —** Laws of 2020, ch. 474, §§ 8 through 10, provide:

"SECTION 8. (1) The new circuit judge position created the Twenty-third Circuit Court District by virtue of this act shall be filled during the November 2022 judicial election in accordance with Sections 23-15-974 through 23-15-985.

"(2)(a) The office of district attorney for the Twenty-third Circuit Court District created by virtue of this act shall be filled by the person who holds the office of district attorney for the Seventeenth Circuit Court District on December 31, 2022. Such person shall serve as the district attorney for the Twenty-third Circuit Court District until a successor for such office is elected in the November 2023 general election. Notwithstanding any other provision of law to the contrary regarding residency of candidates for the office of district attorney, the person serving as the district attorney for the Seventeenth Circuit Court District as of December 31, 2022, may qualify as a candidate to run for the office of district attorney for the Twenty-third Circuit Court District in the November 2023 general election, if such person is otherwise qualified as a candidate as provided by law.

"(b) The vacancy created by virtue of paragraph (a) of this subsection (2) for the office of district attorney for the Seventeenth Circuit Court District shall be filled by special election on the date set for judicial elections in November 2022, with such person taking office as district attorney for the Seventeenth Circuit Court District on January 1, 2023, for a term to expire as is provided for district attorneys generally. The date and deadline to qualify as a candidate in the special election for such office shall be the same as for judicial candidates for the November 2022 judicial elections.

"(3) The new chancellorship position created for the Third Chancery Court District by virtue of this act shall be filled during the November 2026 judicial election in accordance with Sections 23-15-974 through 23-15-985.

"SECTION 9. Monies appropriated for the purposes of funding drug courts in the Seventeenth and the Twenty-third Circuit Court Districts as described in this act shall

be apportioned equally.

“SECTION 10. Sections 3 and 4 of this act shall take effect and be in force from and after January 1, 2023, and the remainder of this act shall take effect and be in force from and after July 1, 2020.”

**Amendment Notes** — The 2020 amendment provided for two versions of the section, and in the version effective from and after January 1, 2023, rewrote the section to reduce the number of judges from four to two and delete the subdistricts.

### **§ 9-7-63. Twenty-third district; composition [Effective January 1, 2023].**

The Twenty-third Circuit Court District shall be DeSoto County.

#### **HISTORY: Laws, 2020, ch. 474, § 3, eff from and after January 1, 2023.**

**Editor’s Notes** — Laws of 2020, ch. 474, §§ 8 through 10, provide:

“SECTION 8. (1) The new circuit judge position created the Twenty-third Circuit Court District by virtue of this act shall be filled during the November 2022 judicial election in accordance with Sections 23-15-974 through 23-15-985.

(2) (a) The office of district attorney for the Twenty-third Circuit Court District created by virtue of this act shall be filled by the person who holds the office of district attorney for the Seventeenth Circuit Court District on December 31, 2022. Such person shall serve as the district attorney for the Twenty-third Circuit Court District until a successor for such office is elected in the November 2023 general election. Notwithstanding any other provision of law to the contrary regarding residency of candidates for the office of district attorney, the person serving as the district attorney for the Seventeenth Circuit Court District as of December 31, 2022, may qualify as a candidate to run for the office of district attorney for the Twenty-third Circuit Court District in the November 2023 general election, if such person is otherwise qualified as a candidate as provided by law.

(b) The vacancy created by virtue of paragraph (a) of this subsection (2) for the office of district attorney for the Seventeenth Circuit Court District shall be filled by special election on the date set for judicial elections in November 2022, with such person taking office as district attorney for the Seventeenth Circuit Court District on January 1, 2023, for a term to expire as is provided for district attorneys generally. The date and deadline to qualify as a candidate in the special election for such office shall be the same as for judicial candidates for the November 2022 judicial elections.

(3) The new chancellorship position created for the Third Chancery Court District by virtue of this act shall be filled during the November 2026 judicial election in accordance with Sections 23-15-974 through 23-15-985.

“SECTION 9. Monies appropriated for the purposes of funding drug courts in the Seventeenth and the Twenty-third Circuit Court Districts as described in this act shall be apportioned equally.

“SECTION 10. Sections 3 and 4 of this act shall take effect and be in force from and after January 1, 2023, and the remainder of this act shall take effect and be in force from and after July 1, 2020.”

### **§ 9-7-64. Twenty-third district; number and election of judges [Effective January 1, 2023].**

(1) There shall be two (2) circuit judges for the Twenty-third Circuit Court District.

(2) For the purposes of appointment and election, the two (2) judgeships shall be separate and distinct and denominated as “Place One” and “Place Two.”

**HISTORY: Laws, 2020, ch. 474, § 4, eff from and after January 1, 2023.**

**Editor's Notes —** Laws of 2020, ch. 474, §§ 8 through 10, provide:

“SECTION 8. (1) The new circuit judge position created the Twenty-third Circuit Court District by virtue of this act shall be filled during the November 2022 judicial election in accordance with Sections 23-15-974 through 23-15-985.

“(2) (a) The office of district attorney for the Twenty-third Circuit Court District created by virtue of this act shall be filled by the person who holds the office of district attorney for the Seventeenth Circuit Court District on December 31, 2022. Such person shall serve as the district attorney for the Twenty-third Circuit Court District until a successor for such office is elected in the November 2023 general election. Notwithstanding any other provision of law to the contrary regarding residency of candidates for the office of district attorney, the person serving as the district attorney for the Seventeenth Circuit Court District as of December 31, 2022, may qualify as a candidate to run for the office of district attorney for the Twenty-third Circuit Court District in the November 2023 general election, if such person is otherwise qualified as a candidate as provided by law.

“(b) The vacancy created by virtue of paragraph (a) of this subsection (2) for the office of district attorney for the Seventeenth Circuit Court District shall be filled by special election on the date set for judicial elections in November 2022, with such person taking office as district attorney for the Seventeenth Circuit Court District on January 1, 2023, for a term to expire as is provided for district attorneys generally. The date and deadline to qualify as a candidate in the special election for such office shall be the same as for judicial candidates for the November 2022 judicial elections.

“(3) The new chancellorship position created for the Third Chancery Court District by virtue of this act shall be filled during the November 2026 judicial election in accordance with Sections 23-15-974 through 23-15-985.

“SECTION 9. Monies appropriated for the purposes of funding drug courts in the Seventeenth and the Twenty-third Circuit Court Districts as described in this act shall be apportioned equally.

“SECTION 10. Sections 3 and 4 of this act shall take effect and be in force from and after January 1, 2023, and the remainder of this act shall take effect and be in force from and after July 1, 2020.”

## CIRCUIT CLERKS

### **§ 9-7-126. Additional remuneration to circuit court clerks for salaries of deputy circuit clerks.**

#### **OPINIONS OF THE ATTORNEY GENERAL**

Board of supervisors is not required to contribute county funds in excess of statutory amounts; issue of compensating deputy circuit clerks whether for working overtime or otherwise is matter that must

be resolved between clerk and his deputies, and is not issue that rests with board of supervisors. Slade, March 16, 1990, A.G. Op. #90-0175.

## CHAPTER 9.

### COUNTY COURTS

#### § 9-9-9. County judge; general restriction on practice of law.

##### JUDICIAL DECISIONS

###### 3. Application to particular cases.

Limited liability company's (LLC) motion to dismiss a contractor's claim for declaratory relief was denied because the facts alleged in the complaint plausibly suggested that there was an actual con-

troversy regarding the meaning and scope of the LLC's obligations under an operating agreement and that the contractor had standing. *Jff Cecilia Llc v. Weiner Ventures*, 2020 Mass. Super. LEXIS 105 (Mass. Super. Ct. July 30, 2020).

#### § 9-9-21. Jurisdiction.

##### JUDICIAL DECISIONS

###### ANALYSIS

1. In general.
5. Exclusive jurisdiction.

###### 1. In general.

Circuit court properly denied defendant's motion for post-conviction relief because the county court judge clearly had authority and jurisdiction to accept a plea and impose a sentence in a circuit court case, no statute specifically required a written order of assignment, and, even assuming that a written order should have been entered, defendant waived that issue by failing to object. *Bennett v. State*, — So. 3d —, 2019 Miss. App. LEXIS 380

(Miss. Ct. App. Aug. 6, 2019), cert. denied, — So. 3d —, 2020 Miss. LEXIS 137 (Miss. 2020).

###### 5. Exclusive jurisdiction.

County court erred in holding, in an unlawful entry and detainer suit, a son was entitled to possess a home a father provided until a certain date based on the father's chancery court support obligation because a suit to enforce the father's support obligation had to be brought in the chancery court, which had continuing jurisdiction. *Turnage v. Brooks*, 301 So. 3d 760, 2020 Miss. App. LEXIS 403 (Miss. Ct. App. 2020).









